

AMENDED IN SENATE JUNE 15, 2014

AMENDED IN SENATE MARCH 24, 2014

AMENDED IN ASSEMBLY JANUARY 6, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 148**

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**Introduced by Assembly Member V. Manuel Pérez**

January 18, 2013

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An act to amend Sections 2940 and 2942 of the Fish and Game Code, relating to the Salton Sea.

LEGISLATIVE COUNSEL'S DIGEST

AB 148, as amended, V. Manuel Pérez. Salton Sea restoration.

(1) Existing law requires the Secretary of the Natural Resources Agency, in consultation and coordination with the Salton Sea Authority, to lead Salton Sea restoration efforts. Existing law requires the secretary and the Legislature to maintain full authority and responsibility for any state obligation under a specified Quantification Settlement Agreement. Existing law requires the secretary and the Legislature to have final approval for any proposed restoration plan.

This bill would revise language stating legislative intent regarding restoring the Salton Sea. The bill would eliminate the requirement that the secretary and the Legislature have final approval for any proposed restoration plan. The bill would recast the requirement that the secretary and the Legislature maintain full authority and responsibility for any state obligation under the Quantification Settlement Agreement to instead provide that specified provisions of law do not alter any state responsibility under the Quantification Settlement Agreement or the state's authority to carry out that responsibility.

(2) Existing law authorizes the Salton Sea Authority to lead a restoration funding and feasibility study, in consultation with the Natural Resources Agency, as prescribed.

This bill would instead authorize the authority to lead a feasibility study, in coordination and under contract with the Secretary of the Natural Resources Agency, as prescribed.

(3) Existing law prohibits an evaluation, study, review, or other activity undertaken pursuant to specified provisions of law from delaying the planning and implementation of ongoing and planned mitigation projects, including, but not limited to, the Salton Sea Species Conservation Habitat Project or other mitigation measures pursuant to existing state and federal programs and agreements.

This bill would also prohibit an evaluation, study, review, or other activity undertaken pursuant to those provisions of law from delaying the planning and implementation of ongoing and planned restoration projects.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 2940 of the Fish and Game Code is  
2     amended to read:  
3     2940. The Legislature finds and declares all of the following:  
4     (a) The Salton Sea is California's largest inland water body with  
5     beneficial uses that include fisheries and wildlife habitat and  
6     preservation of endangered species, and is a repository for  
7     agricultural drainage.  
8     (b) The Salton Sea ecosystem is a critical link on the  
9     international Pacific Flyway and supports over 400 species of  
10    birds.  
11    (c) The Salton Sea is threatened by increasing salinity and  
12    reduced inflows. These changes increasingly threaten the  
13    unparalleled wildlife resources at the sea, as well as air quality in  
14    the region.  
15    (d) In cooperation with local governments, nonprofit  
16    organizations, private businesses, and the public, the Salton Sea  
17    Authority can help protect wildlife habitats and endangered species,  
18    improve water and air quality, and enhance recreational  
19    opportunities in the region.

1 (e) In restoring the Salton Sea, it is the intent of the Legislature  
2 to do all of the following:

3 (1) Protect *and provide long-term conservation of* fish and  
4 wildlife that are dependent on the Salton Sea ecosystem.

5 (2) Restore the long-term stable aquatic and shoreline habitat  
6 for fish and wildlife that depend on the Salton Sea.

7 (3) Mitigate air quality impacts from restoration projects using  
8 the best available technology or best available control measures,  
9 as determined by the South Coast Air Quality Management District  
10 and the Imperial County Air Pollution Control District.

11 (4) Protect water quality.

12 (5) Maintain the Salton Sea as a vital link along the Pacific  
13 Flyway.

14 (6) Preserve local tribal heritage and cultural values associated  
15 with the Salton Sea.

16 (7) Minimize noxious odors and other water and air quality  
17 problems.

18 (8) Coordinate with local, state, and federal agencies that are  
19 responsible for air quality, endangered species, and other  
20 environmental mitigation implementation requirements of the  
21 Quantification Settlement Agreement.

22 (9) Enhance economic development opportunities that will  
23 provide sustainable financial improvements benefiting the local  
24 environment and the economic quality of life for communities  
25 around the Salton Sea.

26 SEC. 2. Section 2942 of the Fish and Game Code is amended  
27 to read:

28 2942. (a) (1) The secretary, in consultation and coordination  
29 with the authority, shall lead the Salton Sea restoration efforts that  
30 shall include all of the following:

31 (A) Early start habitat demonstration projects.

32 (B) Biological investigations relating to the restoration of the  
33 Salton Sea.

34 (C) Investigations of water quality, sedimentation, and inflows  
35 relating to the restoration of the Salton Sea.

36 (D) Air quality investigations, in consultation and coordination  
37 with local and regional air quality agencies, relating to the  
38 restoration of the Salton Sea.

39 (E) Geotechnical investigations relating to the restoration of the  
40 Salton Sea.

1 (F) Financial assistance grant programs to support restoration  
2 activities of local stakeholders.

3 (2) Nothing in this article shall alter any state responsibility  
4 under the Quantification Settlement Agreement or the state's  
5 authority to carry out any responsibility under the Quantification  
6 Settlement Agreement.

7 (3) (A) To the extent that funding is appropriated to the  
8 department for Salton Sea restoration activities, the Department  
9 of Water Resources, in coordination and under agreement with the  
10 department, may undertake restoration efforts identified in this  
11 subdivision.

12 (B) The department and the Department of Water Resources  
13 shall do all of the following for the Salton Sea Species  
14 Conservation Habitat Project:

15 (i) Immediately make available relevant information relating to  
16 the factors that influence the cost and size of the alternatives  
17 discussed in the environmental impact report or environmental  
18 impact statement for the species habitat conservation program.

19 (ii) Release all available detail on a final project design  
20 immediately, or upon final determination of a least environmentally  
21 damaging preferred alternative by the United States Army Corps  
22 of Engineers. Details of a final project design shall include location,  
23 configuration, size, and cost.

24 (iii) Immediately make available project evaluation protocols  
25 that include the following principles of adaptive management:

26 (I) Goals and objectives of the project.

27 (II) The project design and an operations plan.

28 (III) A monitoring plan that will include metrics that identify  
29 benefits to the species.

30 (IV) A performance evaluation based on species population  
31 identified through monitoring.

32 (V) A decisionmaking framework to evaluate project  
33 performance and guide operations and management changes.

34 (b) (1) The authority may lead a feasibility study, in  
35 coordination and under contract with the secretary, to do the  
36 following:

37 (A) Investigate access and utility agreements that may contribute  
38 to the future funding of restoration activities at the Salton Sea.

39 (B) Analyze all feasible funding sources for restoration program  
40 components and activities.

1 (C) Analyze economic development opportunities, including,  
2 but not limited to, renewable energy, biofuels, mineral  
3 development, and algae production for the purposes of identifying  
4 new revenue sources for the Salton Sea restoration efforts.

5 (D) Identify state procurement and royalty sharing opportunities.

6 (E) Review existing long-term plans for restoration of the Salton  
7 Sea and recommend to the secretary changes to existing restoration  
8 plans. In any review pursuant to this subparagraph, the authority  
9 shall consider the impacts of the restoration plan on air quality,  
10 fish and wildlife habitat, water quality, and the technical and  
11 financial feasibility of the restoration plan and shall consider the  
12 impacts on other agencies responsible for air quality, endangered  
13 species, and other environmental mitigation requirements for  
14 implementation of the Quantification Settlement Agreement.

15 (2) No evaluation, study, review, or other activity pursuant to  
16 this article shall delay the planning and implementation of ongoing  
17 and planned restoration or mitigation projects, including, but not  
18 limited to, the Salton Sea Species Conservation Habitat Project or  
19 other measures pursuant to existing state and federal programs and  
20 agreements.